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09/924,117	08/08/2001	Louis LaMedica JR.	50108-045	9974
20277	7590	07/15/2005	EXAMINER	
MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			CAI, WAYNE HUU	
			ART UNIT	PAPER NUMBER
			2681	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/924,117

Applicant(s)

LAMEDICA, LOUIS

Examiner

Wayne Cai

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,13-18,30 and 31 is/are allowed.
- 6) ☒ Claim(s) 3-12,19,22-24,27-29,32-40 is/are rejected.
- 7) ☐ Claim(s) 20,21,25-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 01/07/2002.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1, and 14 are objected to because of the following informalities:  
  
On line 11 of claim 1, "the data link" should appear to be "a data link".  
  
On line 1 of claim 14, "A method as in claim 12" should appear to be "A method as in claim 13".

Appropriate correction is required.

### ***Double Patenting***

2. Claim 29 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 28. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claim 19 recites the limitation "the wireless telephone" in lines 9-10. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-12, 19, 22-24, 27-29, 32-40, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kingsley (US – 6,721,541 B1) in view of Aoki (US – 5,793,221).

**Regarding claims 3, and 32,** Kingsley discloses a test set, comprising:

- a wireless communication device comprising a speaker, and a microphone (fig.1, element 110, fig.2 and its descriptions).

It is however obvious to one skill in the art that the wireless communication device comprising a control unit, a display, a keypad.

- a controller (fig.3, element 336) electrically coupled to the wireless communication device (element 110).

Kingsley, however, fails to disclose:

- a video capturing device electrically coupled to the controller, wherein the video capturing device is arranged to capture visual output data from the display of the wireless device.

In a similar endeavor, Aoki discloses a LCD panel test apparatus. Aoki also discloses:

- a video capturing device (fig.1, element 12) electrically coupled to the controller (element 17), wherein the video capturing device is arranged to capture visual output data from the display of the device (col. 1, lines 15-28). The Examiner also notes that Aoki discloses a testing of an LCD panel, but the LCD is widely implemented in different devices vary from the wireless devices to many others. Therefore, to capture the data from the display of the wireless device, or simply an LCD display are broadly interpreted as equivalent.

Also, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a video capturing device to detect any imperfection of the wireless communication device, and collect the data at the same time.

**Regarding claims 4, and 35**, Kingsley and Aoki disclose the test set of claims 3, and 32 as described above. Kingsley also discloses:

- a test speaker electrically coupled to the controller and arranged to send auditory signals to an auditory input of the wireless communication device (col. 3, lines 30-61, figs. 2 & 3);
- a test microphone electrically coupled to the controller and arranged to receive auditory signals from an auditory output of the wireless communication device (col. 3, lines 30-61, figs. 2 & 3).

**Regarding claims 5-6, and 36-37**, Kingsley and Aoki disclose the test set of claims 3, and 32 as described above. Kingsley also discloses wherein the wireless

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device can be substituted by a second wireless device without hardwiring, and the wireless device is modular and detachable from the test set (fig. 1, elements 110 & 130).

**Regarding claims 7, and 38,** Kingsley and Aoki disclose the test set of claims 3, and 32 as described above. Aoki also discloses, wherein the video capturing device is arranged proximate to the display (fig. 1).

**Regarding claims 8, and 39,** Kingsley and Aoki disclose the test set of claims 3, and 32 as described above. Aoki also discloses wherein the video capturing device is arranged to detect data output on the display (col. 4, lines 28-65).

**Regarding claims 9, and 40,** Kingsley and Aoki disclose the test set of claims 8, and 32 as described above, except for data output on the display comprises at least one of date indications, time indications, type of service indications, voice mail indications, caller ID indications, text messages, and wireless internet services. However, it is obvious to one skill in the art to output any kinds of data on the display.

**Regarding claim 10,** Kingsley and Aoki disclose the test set of claim 3 as described above. Aoki also discloses wherein the video capturing device is a CCD camera (col. 4, lines 28-39).

**Regarding claims 11, and 12,** Kingsley and Aoki disclose the test set of claim 3 as described above, except for the wireless communication device is a digital telephone, or an analog telephone. However, it is well known in the art that the wireless communication device can be digital and/or analog telephone because it is commonly implemented in the telephone.

**Regarding claim 19**, a method of testing a wireless service feature, comprising the steps of:

- causing a wireless communication device to interact with a wireless communication network in an attempt to utilize the wireless service feature (col. 3, lines 29-61);
- determining if the wireless service feature is functioning through the wireless communication device based on the information read from the wireless telephone (col. 4, lines 38-60).

Kingsley, however, fails to disclose:

- reading information from the wireless communication device relating to the attempt, using a video capturing device visually coupled to a display of the wireless communication device.

In a similar endeavor, Aoki discloses a LCD panel test apparatus. Aoki also discloses:

- reading information from the wireless communication device relating to the attempt, using a video capturing device visually coupled to a display of the wireless communication device (col. 4, lines 28-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a video capturing device to detect any imperfection of the wireless communication device, and collect the data at the same time.

**Regarding claim 22**, Kingsley and Aoki disclose the method of claim 19 as described above. Aoki further discloses the step of the wireless communication device receiving a wireless signal, wherein:

- the video capturing device is electrically coupled to a controller (fig. 1, elements 10, 12, and 17);

Kingsley then discloses:

- the controller (fig. 1 element 100) is in communication with the central test control center (element 120).
- at least part of the information contained in the wireless signal originated from a central test control center (fig. 10, boxes 1004 & 1006).

**Regarding claims 23, and 33**, Kingsley and Aoki disclose the method, and system of claims 22, and 32 as described above. Kingsley also discloses wherein the communication with the central test control center is wireless communication (element 112).

**Regarding claims 24, and 34**, Kingsley and Aoki disclose the method, and system of claim 22, and 32 as described above, except for the communication with the central test control center is wireline communication. It is however obvious to one skill in the art that if the central test control center can perform wirelessly as disclosed by Kingsley, then it is easily modified by to make the communication with the central test control center a wireline communication.

**Regarding claim 27**, Kingsley and Aoki disclose the method of claim 22 as described above, except for the wireless device feature is a voice activation feature.



However, the voice activation feature is well known in the art because users are still able to operate the device and hand-free.

**Regarding claims 28, and 29**, Kingsley and Aoki disclose the method of claim 19 as described above. Kingsley also discloses, wherein the method tests the operation of the wireless communication network (title and abstract).

***Allowable Subject Matter***

7. Claims 1- 2, 13-18, and 30-31 are allowed.

8. The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 2, 13, 16, 30, and 31, although the prior arts directly disclose a test set for testing the operation of a wireless telephone in a wireless communication network. However, none of them teach a video capturing device visually coupled to the display of the wireless telephone, for capturing data from the display relating to operations of the wireless telephone and supplying the captured data to the controller, and as specific in details and orders as claimed in the independent claims mentioned above.

Claims 14-15, 17-18 are allowed as being dependent upon independent claims 13, and 16.

9. Claims 4, 20-21, 25-26, and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Nakamura (US – 5,943,617)
- Ma et al (US – 6,819,924 B1)
- Lynn (US – 6,662,009 B2)
- O'Riordain (US – 6,434,364 B1)
- Daniel (US – 6,640,101 B1)

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wayne Cai whose telephone number is (571) 272-7798. The examiner can normally be reached on Monday-Friday; 9:00-6:00; alternating Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Examiner  
Art Unit 2681

  
**ERIKA A. GARRY**  
**PRIMARY EXAMINER**